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The Law Offices of Kissinger N. Sibanda, Esq.

P.O. Box 714

Livingston, NJ 07039

Kissinger N. Sibanda, DC Bar #1017426

Telephone 973-689-5952

Email: ksibanda@temple.edu

August 12th, 2020

**United States District Court
Southern District of New York**

MOUSSA DIARRA,) Civil No. 1:16-civ-07075 (VSB)
Plaintiff,) (OTW) (Closed)

1
2 Your Honor:

3 **Ref: City of New York determining claim number 2020PI002330:**

4
5 *Moussa Diarra v. City of New York, New York Law Department, Vernon*
S. Broderick, Lucasz Skorzewski, Dara Lynn Weiss:

6
7 This is the third request. The second request is dated May 1st,
8 2020 was ignored. Mr. Diarra renews this request in light of the claim,
9 2020PI002330.

10
11 Mr. Diarra requests permission to transmit an email copy of
12 sealed photos (Mrs. Diarra), in his possession, to Comptroller's office as
13 part of Comptroller's claim investigation via secure email due to
ongoing COVID-19 pandemic.

14 Pursuant to Section 50-h of the General Municipal Law (GML),
15 allowing a claimant to adduce evidence at their 50 (H) hearing. Mr.
16 Diarra moves this Court to allow transmission of a copy of sealed photos
17 to Comptroller's office for claim investigation via email.

18 Because the 50 (H) hearing was postponed due to COVID-19, Mr.
19 Diarra was unable to adduce sealed photos of Mrs. Diarra at the
hearing on March 24th, 2020. Subsequently, Mr. Diarra's claim is now
20 being handled directly by the comptroller's office.

21
22 Mr. Diarra would like to transit an email copy of sealed photos by
23 secure email to a contact at comptroller's office handling this claim's
24 determination. This is central to Mr. Diarra's current notice of claim for
25 collusion to deny equal rights guaranteed by the Constitution's Seventh
26 Amendment: a human rights violation, against defendants.

1 Collusion and relevancy of sealed photos¹:

2

3 The photos are relevant under FRE 401 because they show that no
 4 rape kit was ever made at the time of the actual arrest / incident – no
 5 photos of Mrs. Diarra were taken before the arrest - instead photos
 6 showing Mrs. Diarra's healthy genitalia were then taken four-five
 months later.

7 The photos of Mrs. Diarra are further relevant because they show
 8 visually that the arrest of Mr. Diarra for “circumcision and excision,”
 9 was a complete fabrication with no scientific or medical basis to assert a
 10 “policy of probable cause” during the arrest. This arrest could have been
 11 avoided if legal probable cause was followed not departmental policy. It
 12 further raises the question why the police investigation did not even
 13 warrant making a rape kit at the time of arrest if this is legal probable
 14 cause as defined in law books and case law?

15 These photos, as you are aware, support Mr. Diarra’s new claim of
 16 collusion to undermine the law and its legal meaning by defendants in
 17 the first federal civil rights matter of Mr. Diarra. A collusion which
 18 involved ignoring facts (Police interrogation video of Mr. Diarra and
 19 photos of Mrs. Diarra); misstating and misapplying established law (probable
 20 cause, Seventh Amendment, and Rule 56 standard) and abuse
 21 of proceedings by various parties. Including the documented abuse at
 22 Mr. Skorzewski’s deposition, at which Skorzewski lied under oath and
 23 is now subject to a Federal Criminal complaint for perjury. See, Exhibit
 24 A.

25 ¹ The affirmation of the District Court’s order by the Second Circuit is not
 26 binding precedent and has little or no jurisprudential value, depending on
 27 the District judge’s interpretation - rendering the District Court’s order in
 28 the first Diarra matter non-binding precedent. By its nature, this order is
 subject to a weaker standard of reversal should the summary order come under
 review by a different panel of the Second Circuit or a different District
 judge.

1 DATED: LIVINGSTON, NEW JERSEY
2 August 12th, 2020

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4 Respectfully Submitted,
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6

7 /s/ Kissinger N. Sibanda
8 KISSINGER N. SIBANDA, ESQ.,
9 Attorney for the Plaintiff
10 P.O Box 714
11 Livingston, NJ 07039
Telephone: (973) 689-5952
Email: ksibanda@temple.edu

12 To: **BY ECF**

13 Honorable Vernon S. Broderick
14 United States District Court
15 Southern District of New York
16 40 Foley Square,
17 Room 415 New York, NY 10007

18
19 **VIA ECF**

20 Cooperation Counsel - James Johnson
21 New York Law Department
22 Valerie E. Smith Esq (Assigned)
23 Attorney for Defendant
24 100 Church St.
25 New York, NY 10007

26 **CC: COLLEN McMAHON**

27
28 Chief Judge SDNY.